

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Harouna-Konate,	:	
	:	
Petitioner(s),	:	
	:	Case Number: 1:16cv895
vs.	:	
	:	Judge Susan J. Dlott
DHS/ICE,	:	
	:	
Respondent(s).	:	

ORDER

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Stephanie K. Bowman filed on October 17, 2016 (Doc. 4), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired December 1, 2016 hereby ADOPTS said Report and Recommendation.

Accordingly, the petitioner's *pro se* "Petition for a Writ of Coram Nobis" (see Doc. 1, Petition) is DISMISSED with prejudice on the ground that this Court lacks jurisdiction to consider it. It is further ORDERED that petitioner's motion for leave to proceed *in forma pauperis* (Doc. 1) is DENIED as moot.

A certificate of appealability will not issue since petitioner has not stated a "viable claim of the denial of a constitutional right," nor are the issues presented "adequate to deserve encouragement to proceed further." *See Slack v. McDaniel*, 529 U.S. 473, 475 (2000) (citing *Barefoot v. Estelle*, 463 U.S. 880, 893 & n.4 (1983)); *see also* 28 U.S.C. § 2253 (c); Fed. R. App. P. 22(b).

With respect to any application by petitioner to proceed on appeal *in forma pauperis*, the

Court certifies pursuant to 28 U.S.C. §1915(a)(3) that an appeal of any Order adopting the Report and Recommendation will not be taken in “good faith,” therefore, petitioner is DENIED leave to appeal *in forma pauperis* upon a showing of financial necessity. *See* Fed. R. App. P. 24(a); *Kincade v. Sparkman*, 117 F.3d 949, 952 (6th Cir. 1997).

IT IS SO ORDERED.

s/Susan J. Dlott
Judge Susan J. Dlott
United States District Court